IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.53 OF 2006
IN
CIVIL REVISION APPLICATION NO.816 OF 1995

Ravindra N. Sanghavi. ..Applicant.

V/s.

Laxman R.Nagarkar(since deceased)
through heirs and L.Rs.
Jagdish Laxman Nagarkar & Ors. ..Respondents.

Mr.R.N.Sanghavi for applicant.

Mr.S.P.Thorat for respondents.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 12, 2006.

P.C. :

1. Not on board. Upon production taken on board.

2. Heard counsel for the parties perused the application. Although this application is resisted by the counsel for the respondents on the ground that even in the past matter was dismissed for non-prosecution and later on restored, for which reason no indulgence should be shown on this occasion.

3. I am inclined to allow this application in

the interest of justice. The orders which are brought to my notice dismissing the main proceedings for default will have no relevance to the order passed on 17th March, 2006 in the application for bringing heirs and legal representatives of deceased respondent No.1 on record, which application was filed in time. The reason for non-appearance as stated in the application is that the advocate on record for the applicant was busy in some other court. That does not mean that the advocate on record will not make arrangement to inform the court about his difficulty. In the circumstances, in the interest of justice, this application is allowed in terms of prayer clause (a) and (b) on condition that the applicant to pay costs quantified at Rs.1,500/- to the respondents within two weeks from today.